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HANSRA PATENT SERVICES 4525 GLEN MEADOWS PLACE BELLINGHAM, WA 98226			EXAMINER SORRELL, ERON J	
			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

10/511,131

### Applicant(s)

HAMER ET AL.

### Examiner

Eron J. Sorrell

### Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050927</u> .  | 6) <input type="checkbox"/> Other: ____                           |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,6,7,8,34,38,40,44, and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Ravid (U.S. Pub. No. 2002/0133747).

3. Referring to claims 1,35,40,44 Ravid teaches a method and apparatus, the apparatus being operatively coupled by a communication link to a host computer having a first disk drive (see paragraph 69), the apparatus comprising:

a second disk drive (see paragraph 69 and item labeled drive B in figure 1);

a user-activatable button (i.e. push button), associated with the second disk drive (see item 16 in figure 2 and paragraph 51);

circuitry, which in response to a press of the user activatable button to said host computer over said communications channel (see paragraph 51).

4. Referring to claim 6, Ravid teaches an indicator which indicates execution of said backup (see paragraph 52).

5. Referring to claim 7, Ravid teaches that during normal use, operation of said user-activatable button suffices, substantially by itself, to initiate said backup, in the absence of a need for user input other than said operation of said user-activatable button (see paragraph 59).

6. Referring to claim 8, Ravid teaches an apparatus, in communication with a host computer, over a communication channel, the host computer communicating with a first disk drive (see figure 1), the apparatus comprising:

a second disk drive (see Drive B in figure 1);

a user-activatable button associated with said second disk drive (see item 16 in figure 1);

circuitry which, in response to a press of said user-activatable button, causes a backup of at least some data from said first disk drive to said second disk drive, wherein, prior to normal operation of said apparatus for backup, said host computer is provided with configuration information relating to said backup, for use during said backup (see item 12 in figure 1 and paragraph 59)

7. Referring to claim 38, Ravid teaches, wherein said operation of said user-activatable button is an operation that is limited to a single press of said user-activatable button (see paragraph 59).

8. Referring to claim 45, Ravid teaches the circuitry is operatively coupled to the second disk drive (see item 12 in figure 1).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-5, 9-13, 14-34, 39, 41-43, and 46-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravid in view of Jacobs (U.S. Patent No. 6,618,788).

11. Referring to claims 9, 14, 19, 23, 25, 29, 30, 42, and 43, Ravid teaches a data storage apparatus, operatively coupled to a host device, comprising:

a communications channel for accommodating the sending of data from said data storage device to said host device and from said host device to said data storage device (see item 28 in figure 1);

a first user input device (push button) associated with said data storage apparatus (see item 16 in figure 1);

circuitry, coupled to said data storage device, which, in response to a first input provided on said user input device,

substantially automatically performs a function on the host device (see item 12 in figure 1).

Ravid fails to teach a housing containing a data storage device and circuitry for controlling said data storage device to write data, sent from said host device, onto said data storage device and to read data for sending to said host device, said housing being external to said host device wherein said housing is provided in the absence of being rigidly attached to said host device.

Jacobs teaches, a method and apparatus, comprising a housing containing a hard drive and circuitry for reading and writing data to and from a host, wherein the housing is external to the host and is provided in the absence of being rigidly attached to the host (see lines 55-59 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method and apparatus of Ravid with the above teachings of Jacobs in order to provide the host with an additional drive without requiring the burdensome and difficult task of opening the computer chassis and installing an internal drive as suggested by Jacobs (see abstract).

12. Referring to claim 31, Ravid teaches an apparatus for backup of data, said data being accessible to a host computer over a first communication channel, wherein said first communications channel includes a first bus of said host computer (see figure 1), said apparatus comprising:

a disk drive, which communicates with said host computer over a second communications channel (see item Drive B in figure 1 and item 28 is the second communication channel);

a push button (see item 16 in figure 1);

circuitry configured to receive information indicative a status of said push button (see item 12 in figure 1); and

said host computer configured to respond to said information indicative of said status of said push button by executing software which is configured to store at least some of said data onto said disk drive (see paragraph 51).

Ravid fails to teach the disk drive is coupled to bridge circuitry which provides for serial-to-parallel data conversion and wherein said first circuitry is provided on said bridge circuitry.

Jacobs teaches, the above limitation (see lines 35-44 of column 5, note ATA is a parallel format and USB is serial).



It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Ravid with the teachings of Jacobs for in order to provide the host with an additional drive without requiring the burdensome and difficult task of opening the computer chassis and installing an internal drive as suggested by Jacobs (see abstract).

13. Referring to claim 41, Ravid teaches an apparatus for backup of data, said data being accessible to a host computer over a first communication channel, wherein said first communications channel includes a first bus of said host computer (see figure 1), said apparatus comprising:

a disk drive, which communicates with said host computer over a second communications channel (see item Drive B in figure 1 and item 28 is the second communication channel);

a push button (see item 16 in figure 1);

circuitry configured to receive information indicative a status of said push button (see item 12 in figure 1); and

said host computer configured to respond to said information indicative of said status of said push button by

executing software which is configured to store at least some of said data onto said disk drive (see paragraph 51).

Ravid fails to teach the second communications channel being different from said first communications channel and wherein said second communications channel is selected from the group consisting of a Universal Serial Bus (USB) communications channel, an IEEE 1394 communications channel, a wireless communications channel and an Ethernet communications channel.

Jacobs teaches, the second communication channel comprises at least USB (see item 150 in figure 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Ravid with the above teachings of Jacobs to take advantage of the plug-and-play capability that USB affords.

14. Referring to claims 2-5,46-50 Ravid in view of Jacobs teaches wherein said second disk drive is an external disk drive (see Jacobs line 55-59 of column 3), wherein said second disk drive has a housing, wherein said second disk drive has a housing and wherein said housing is non-rigidly attached to said host computer (see Jacobs lines 55-59 of column 3) and wherein said user-activatable button is associated with said data

storage device by being mounted on said housing (see Ravid paragraph 58, note incorporating the teachings of Jacobs into the apparatus of Ravid results in the button being mounted on the housing),<sup>1</sup> wherein said communications channel includes a communications channel selected from the group consisting of a Universal Serial Bus (USB) communications channel, an IEEE 1394 communications channel, a wireless communications channel and an Ethernet communications channel (see Jacobs, figure 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method and apparatus of Ravid with the above teachings of Jacobs in order to provide the host with an additional drive without requiring the burdensome and difficult task of opening the computer chassis and installing an internal drive as suggested by Jacobs (see abstract).

15. Referring to claims 51 and 52, Ravid teaches the information indicative of said status information of said push button includes a button status and a button status change (see paragraph 52).

16. Referring to claim 10, Ravid teaches the host is a computer (see item 2 in figure 1).

17. Referring to claims 11-13 and 15-17 Ravid teaches the substantially automatic storage of data comprises performing a backup of at least part of the totality of data stored in said computer, or performing a backup of predetermined portions of data stored in said computer, or performing a backup of user-selectable portions or types of data stored in said computer (see paragraph 64).

18. Referring to claims 18 and 21, Ravid teaches the user input device comprises a pressable button and wherein said step of providing input comprises pressing said pressable button (see paragraph 51).

19. Referring to claim 20, Jacobs teaches, the second communication channel comprises at least USB (see item 150 in figure 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the

teachings of Ravid with the above teachings of Jacobs to take advantage of the plug-and-play capability that USB affords.

20. Referring to claims 22 and 24, Ravid means for providing an indication of the execution of at least one of said user-selectable function and said substantially automatic storage of data and an indicator which indicates initiation, progress or completion of said backup (see paragraph 52).

21. Referring to claims 26-28, Ravid teaches providing configuration information relating to said backup, prior to normal use of said disk drive for backup(see paragraph 64, note selectively backing up files indicates providing information on which files are to be backed up), wherein said configuration information includes designation of a backup destination, wherein said configuration information includes identification of drives, directories, sub-directories, files or file types designated for backup (see paragraph 66, note the direction of the A-B switch indicates the at least the destination drive of the backup process).

22. Referring to claim 32, Ravid teaches the disk drive is coupled to drive control circuitry which includes control of an actuator arm of said disk drive and wherein said first circuitry is provided on said drive control circuitry (see paragraph 24, note the actuator arm and drive control circuitry are inherent to these types of hard drives).

23. Referring to claim 33, the combination of Ravid and Jacobs teaches receiving asynchronous messages regarding the button push and not polling to determine the button push. However polling a user input is well known in the art and would be a matter of simple substitution of replacing receiving asynchronous messages with polling for user input. Thus it would have been obvious to one of ordinary skill in the art to poll the button push to arrive at the predictable result of receiving the input.

24. Referring to claim 34, Ravid teaches the host computer is configured to respond to said information indicative of said status of said push button by receiving an asynchronous message from said first circuitry (see paragraph 64, note the user pressing the button is an asynchronous event).

25. Referring to claim 39, Ravid teaches the circuitry configured to perform a backup includes circuitry wherein said backup includes sending commands to a source drive, different from said disk drive (see paragraph 64, note read commands are sent to the source drive and write commands to the destination drive to perform the backup).

26. Referring to claims 53 and 54, Jacobs teaches the bridge circuitry includes a microprocessor and firmware (see item 156 in figure 5 and lines 24-27 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Ravid with the above teachings of Jacobs for the same reasons as mentioned in the rejection of claim 31.

27. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ravid in view of Jacobs as applied above and further in view of Largman et al. (US Pub. No. 2002/0188887) hereinafter Largman.

28. Referring to claims 36 and 37, the combination of Ravid and Jacobs teaches the method and apparatus of claims 29 and 35 as shown above, however the combination fails to teach the software includes software for querying a binder database to determine at least one of a backup application name and a backup script name, wherein said software includes software for executing said backup application, using said script name as a parameter.

Largman teaches, in an analogous system, teaches software for querying a binder database to determine at least one of a backup application name and a backup script name, wherein said software includes software for executing said backup application, using said script name as a parameter (see paragraph 24).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Ravid and Jacobs with the above teachings of Largman to perform the back-up functions with minimal user intervention as suggested by Largman (see abstract).

### **Conclusion**

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following



reference is cited to further show the state of the art as it pertains to the applicant's invention:

U.S. Patent No. 6,361,372 teaches an external hard drive with a housing connected via a communication link to a host device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on 571-272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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EJS  
January 15, 2008

*Erin Dorell* 1/15/08